

Notice of Allowability

Application No.

09/410,999

Examiner

Alicia Chevalier

Applicant(s)

CREAGAN ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed February 9, 2004.
2. ☒ The allowed claim(s) is/are 23-44.
3. ☒ The drawings filed on 7/20/00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material,
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The base claims are: claims 23 and 26.

They can be summarized as follows:

23. A personal care product comprising:

- a top sheet,
- a surge layer,
- an absorbent core
 - o said surge layer, positioned between said top sheet and said absorbent core, comprises:
 - a compression resistant creased first layer
 - a lower density second layer adjacent said first layer
 - density between 0.01 and 0.05 g/cc
 - bonded to said first layer
 - a third layer adjacent said first layer on a side of the first layer away from said second layer
 - density between 0.01 and 0.05 g/cc
 - bonded to said first layer.

26. A personal care product comprising:

- a top sheet,
- a surge layer,
- an absorbent core

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- said surge layer, positioned between said top sheet and said absorbent core, comprises:
 - a compression resistant creased first layer
 - nonwoven web comprising polyolefin fibers
 - a lower density second layer adjacent said first layer
 - density between 0.01 and 0.05 g/cc
 - bonded to said first layer.

2. The closest prior art found can be summarized as follows:

Chappell et al. (H1511) disclose an absorbent article, Applicant's "personal care product" comprises a top sheet, a flow regulator, Applicant's "surge layer", an absorbent core and backsheet (*figure 2*). The flow regulator comprises a pleated secondary topsheet 27, Applicant's "first layer" and a web of fibers filling the pleats (*col. 4, lines 48-57*), Applicant's "second layer,". The web of fibers can be prepared from any convenient polymer such as polyethylene, polypropylene, polyesters etc. (*col. 9, lines 45-50*).

From
From
From
~~The~~ Chappell fails to teach or suggest: ~~the recited;~~

- ^{the} density of the web of fibers filling the pleats, Applicant's "second layer"
- that the pleated secondary topsheet, Applicant's "first layer," is made of a nonwoven web comprising polyolefin fiber, and
- a third layer adjacent and bonded to said first layer on a side of the first layer away from said second layer with density between 0.01 and 0.05 g/cc.

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Sum Dodge, II et al. (5,879,343) discloses a surge material used in ^{*personal care products*} (col. 1, lines 5-13). The surge material, Applicant's "first layer," comprising a web of fibers having a density between 0.02 g/cc to about 0.07 g/cc and a basis weight between 200 and 700 gsm (*col. 11, lines 57-62 and col. 14, lines 13-30*). The web comprises ^{*a*} spunbond web of polyolefin filaments, ^{*in fabric layers*} such nonwoven fabric layers may include conjugate, biconstituent and homopolymer fibers or other lengths and mixtures of such fibers with other types of fibers (*col. 13, lines 33-40*). The surge material can be made more wettable by the addition of a surfactant (*col. 14, lines 21-23*).

Sum ~~The Dodge fails to teach or suggest, the recited:~~

- a creased first layer or
- a second or third layer.

3. In sum, the prior art of record fails to teach or suggest a personal care product having all the features of the base claim(s).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ac

3/1/04




SANDRA M. NOLAN
PRIMARY EXAMINER